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09/585,151	06/01/2000	Richard B. Himmelstein	HIM-PT002.2	5239

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VOLPE AND KOENIG, P.C.
UNITED PLAZA, SUITE 1600
30 SOUTH 17TH STREET
PHILADELPHIA, PA 19103

EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 10/27/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/585,151

Applicant(s)

HIMMELSTEIN, RICHARD B.

Examiner

George C Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-19 have been examined.

Response to Arguments

2. Applicant's arguments with respect to claim 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-11 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art, namely Jones (US Patent 5 826 039 A) in view of Kulkarni (US Patent 5 950 193 A).

Regarding claim 1, Jones discloses a system for accessing and retrieving information on the internet comprising a data table; a key phrase field for defining a desired search; and a search unit for accessing information on the World Wide Web that

matches the information in said key phrase field, and for storing said accessed information in said data table if the accessed information further corresponds to information within said data table [column 3, lines 47-56; column 5, line 35-column 6, line 12; column 7, line 1-column 8, line 26, specifically column 8, lines 13-26].

Jones does not expressly disclose wherein the data table stored a user's computer comprises a plurality of columns, each of said columns having a heading that is definable by the user; and at least one row having a plurality of cells corresponding to said plurality of columns, each row for storing information defined by said plurality of column headings and storing said accessed information in said columns if the accessed information further corresponds to said column headings, however, Jones does disclose storing said accessed information in said data table if the accessed information further corresponds to information within said data table as described above.

Kulkarni discloses a data table stored a user's computer comprises a plurality of columns, each of said columns having a heading that is definable by the user; and at least one row having a plurality of cells corresponding to said plurality of columns, each row for storing information defined by said plurality of column headings [column 1, line 42-column 2, line 39]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references because Kulkarni discloses that a data table stored a user's computer as disclosed is well known in the art to be used with graphical user interfaces and are known as to their specific advantages regarding sorting and editing of the data contained within the data table. Kulkarni also

discloses that a data table is known in the art to be used to generate electronic communications such as initiating telephone calls or other electronic communications [column 2, lines 29-39]. Jones discloses that the data table is stored on the network as opposed to on a user's computer, however, Jones discloses that storing the data table on the network is a logical place that allows the user to have access to network resources wherein the user may use network storage for the data table as a matter of convenience [column 5, lines 45-60]. These disclosures demonstrate and resolve the level of ordinary skill in the art that was known at the time the invention was made and therefore the combined teachings of these references disclose the claimed invention.

Claim 17 is also rejected since claim 17 contains the same limitations as recited in claim 1.

Regarding claim 2, Jones and Kulkarni disclose the system of claim 1.

Jones does not expressly disclose wherein each of said plurality of cells can be activated to perform at least one action related to said stored information within said cell, however, Jones does disclose wherein a data table is used to perform at least one action related to said stored information [column 6, lines 13-67]

Kulkarni discloses the plurality of cells within a data table as described above and that these cells may be activated to perform at least one action related to said stored information within said cell [column 2, lines 29-39].

Claim 2 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 2.

Claim 18 is rejected since claim 18 contains the same limitations as recited in claim 1.

Regarding claim 3, Jones and Kulkarni disclose the system of claim 2.

Jones discloses wherein said stored information includes a phone number, and said at least one action includes connecting the system with said phone number.

[column 5, lines 35-40; column 6, lines 13-67, specifically lines 39-45]

Kulkarni also discloses the above limitation [column 2, lines 29-39].

Regarding claim 4, Jones and Kulkarni disclose the system of claim 2.

Jones discloses wherein said stored information includes a facsimile number, and said at least one action includes sending a facsimile to said facsimile number.

[column 6, lines 13-67, specifically lines 39-45]

Kulkarni also discloses the above limitation [column 2, lines 29-39].

Regarding claim 5, Jones and Kulkarni disclose the system of claim 2, wherein said stored information includes an e-mail address, and said at least one action includes sending an e-mail to said e-mail address. [column 5, lines 35-40; column 6, lines 13-67, specifically lines 39-53]

Kulkarni also discloses the above limitation [column 2, lines 29-39].

Regarding claim 6, Jones and Kulkarni disclose the system of claim 5.

Jones discloses wherein said at least one action further includes sending a facsimile to said e-mail address or providing a voice connection to said e-mail address.

[column 5, lines 35-40; column 6, lines 13-67, specifically lines 39-53]

Regarding claim 7, Jones and Kulkarni disclose the system of claim 1.

Jones discloses the system further comprising a cursor and an activity menu having a plurality of activity buttons, wherein each of said activity buttons defines an action related to said stored information. [column 5, line 35-column 6, line 12, specifically column 6, lines 8-31]

Jones does not disclose wherein the stored information is within a cell, however, Kulkarni discloses the data table including a plurality of cells containing stored information as described above.

Claim 7 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 7.

Regarding claim 8, Jones and Kulkarni disclose the system of claim 7.

Jones does not expressly disclose wherein said cursor highlights a cell and said plurality of activity buttons change to reflect said stored information in said highlighted cell, however, Jones does disclose wherein said cursor highlights a subset of a data table and said plurality of activity buttons change to reflect said stored information in said subset of said data table [column 5, line 35-column 6, line 12, specifically column 6, lines 8-31]

Kulkarni discloses the data table including a plurality of cells as described above.

Claim 8 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 8.

Regarding claim 9, Jones and Kulkarni disclose the system of claim 1.

Jones does not expressly disclose wherein each row includes a row heading, however, Kulkarni does disclose this limitation [column 1, line 42-column 2, line 39, specifically column 2, lines 15-39].

Claim 9 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 9.

Regarding claim 10, Jones and Kulkarni disclose the system of claim 9.

Jones does not expressly disclose wherein said row headings and said column headings are interchangeable, however, Kulkarni does disclose this limitation [column 1, line 42-column 2, line 39, specifically column 2, lines 15-39].

Claim 10 is rejected since the motivations regarding the obviousness of claim 1 also apply to claim 10.

Regarding claim 11, Jones and Kulkarni disclose the system of claim 1.

Jones discloses the system further comprising a centralized database for storing information, whereby said system accesses and retrieves information within said database. [column 7, line 1-column 8, line 26]

Claim 19 is rejected since claim 19 contains the same limitations as recited in claims 1 and 11 in combination.

Claim Rejections - 35 USC § 103

6. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and Kulkarni as applied to claim 11 above, and further in view of Applicant's admitted prior art, namely Wesinger, Jr. (US Patent 5 778 367 A).

Regarding claim 12, Jones and Kulkarni disclose the system of claim 11.

Jones and Kulkarni do not expressly disclose the system further comprising a website, for maintaining said centralized database.

Wesinger discloses the above limitation [column 1, line 62-column 2, line 16].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of these references because Wesinger discloses that it was known in the art that using a website to maintain a centralized database is useful for categorizing information found by automated programs that locate information throughout the Internet and presenting the aggregated information to users that search for matches of information [column 1, line 62-column 2, line 7]. This disclosure resolves the level of ordinary skill within the art and therefore the combined teachings of the references disclose the claimed invention.

Regarding claim 13, Jones, Kulkarni, and Wesinger disclose the system of claim 12.

Jones and Kulkarni do not expressly disclose further comprising a plurality of databases, said plurality of databases being linked to said centralized database, whereby said system accesses and retrieves information within said plurality of databases, however, Wesinger discloses these limitations as described above.

Claim 13 is rejected since the motivations regarding the obviousness of claim 12 also apply to claim 13.

Regarding claim 14, Jones, Kulkarni, and Wesinger disclose the system of claim 13.

Jones and Kulkarni do not expressly disclose the system further comprising an input unit, for inputting information into said centralized database.

Wesinger discloses this limitation [column 9, line 21-column 10, line 34].

It would have been obvious to one of ordinary skill at the time the invention was made to combine the teachings of these references because Wesinger discloses that inputting information into a centralized database allows a user to control the content of an entry within the database and allows Web users other than the first user to quickly and precisely find current and accurate data about the user [column 3, lines 19-25]. This disclosure shows the specific and expressly disclosed advantages that Wesinger contributes to the art and therefore resolves the level of ordinary skill within the art. Therefore, the combined teachings of these references disclose the claimed invention.

Regarding claim 15, Jones, Kulkarni, and Wesinger disclose the system of claim 14.

Jones, Kulkarni, and Wesinger do not expressly disclose the system further comprising a verification unit, for verifying said input information.

Examiner takes Official Notice (see MPEP § 2144.03) that verifying input information in a database system was well known in the art at the time the invention was made. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or

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argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or reputation of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Regarding claim 16, Jones, Kulkarni, and Wesinger discloses the system of claim 15.

Jones and Kulkarni do not expressly disclose wherein said verification unit further includes tagging means, for tagging all input information with the date of entry, time of entry and origin of said input information, however, Wesinger does disclose this limitation [column 9, line 21-column 10, line 34, specifically column 9, lines 21-39].

It would have been obvious to one of ordinary skill at the time the invention was made to combine the teachings of these references because Wesinger discloses that tagging inputted information is used to uniquely identify which user and at what time the entry was originally produced [column 9, lines 21-39]. This disclosure resolves the level of ordinary skill within the art and therefore the combined teachings of these references disclose the claimed invention.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Monday-Saturday 5:30am-10pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-7240.

gcn



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100